



Town of Pagosa Springs
Planning Commission, Board of Adjustments & Design Review Board
Regular Scheduled Meeting Minutes

October 13, 2015

Town Hall, Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147

- I. **Call to Order / Roll Call:** Commission Chair Ron Maez called the meeting to order at 5:30 PM. Commissioners Heidi Martinez, Kathie Lattin, Peter Adams, Greg Giles were present. Alternative Member Natalie Woodruff was absent. Also present were Planning Director James Dickhoff, Associate Planner Margaret Gallegos and Estreberto (Beto) Palma.
- II. **Announcements:** None
- III. **Approval of Minutes:** Motion by Commissioner Martinez, seconded by Commissioner Lattin to approve the September 22, 2015 Planning Commission regular meeting minutes as presented.
- IV. **Public Comment:** None received.
- V. **Board of Adjustments:**
- A. **Variance Application requesting reduction of minimum front yard setback at 319 S. 8th Street - Public Hearing / Quasi-Judicial Matter:** On September 16, 2015, the Town Planning Department received an application requesting a variance to the front yard setback requirements at 319 S. 8th Street. The applicant, Estreberto Palma, submitted the variance application requesting a front yard setback reduction to 5 feet (from 20'), to accommodate an addition of an 8 foot wide covered porch as a protective entrance to the existing residential house.

The applicant has submitted the following and the Planning Director has determined the submitted Land Use and Development Code (LUDC) application for variance meets the application submittal requirements:

- ~ Completed Land use Application.
- ~ Land Use application fees of \$300, received.
- ~ Agreement of payment of fees has been signed.
- ~ Evidence of good title, received.
- ~ Surrounding and interested property ownership report, received.
(Town staff processed the envelopes for neighborhood mailed notifications).
- ~ General Development information, request for variance.

The current house is on one city lot and sits at 13'-0" from the front property line. The main entrance to the home is along the front, the 8th Street side. LUDC section 5.2.3.B.2 & 4 provide some allowances for encroaching into required setbacks, including specific provisions for patios, and roofed approaches to pedestrian doorways, however, the location of the subject house in relation to the front property line, dictates the proposed covered porch to be closer than the LUDC contemplates for this allowance. In general, the LUDC allows encroaching into the setback by 5 feet into the setback.

Public notification is required for the public hearing agenda item and was provided as follows:



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- 1) Posted on the subject property on September 23, 2015.
- 2) Posted at Town Hall on September 23, 2015.
- 3) Published in the Pagosa Springs Sun newspaper on September 23, 2015.
- 4) Mailed to property owners within 300 feet of the subject property on September 23, 2015.

Staff has not received any public comments regarding this variance request.

Mr. Palma explained that the entry is needed because, during the winter months, the snow and ice in front of the front door has become very dangerous. He is also concerned with rain hitting the front of the home and running down the siding, he felt that in time, the structure siding will become damaged with the increased water on the front elevation. The concrete slab is existing in the front of the home – 8' wide along the entire length of the home.

The Board of Adjustments considered the application submitted, testimony and materials, staff report, the applicable approval criteria, and all testimony and evidence received at the public hearing, for considering a final determination regarding the variance application.

Motion made by Commissioner Lattin, seconded by Commissioner Martinez, and unanimously carried to APPROVE a front yard setback variance for the proposed new open-air roofed entrance porch, allowing a 5-foot front setback at 319 S. 8th Street.

VI. Planning Commission:

A. Discussion and possible decision on allowing Smaller Residential Lots for Single Family Homes in the R-12 and R-18 Districts: On September 22, 2015, the Planning Commission discussed the consideration of allowing smaller minimum lot sizes for single-family residences within the R-12 and R-18 district. During the meeting, the fire district representatives presented their interest and the accessibility of the alleys for emergency vehicle access. Staff had also presented comments provided by other utility providers and the Town's streets department.

The planning commission ended the agenda item with the following: *"Motion by Commissioner Lattin, seconded by Commissioner Martinez and motion carried (Adams opposed) to DENY a recommendation to Town Council in support of allowing 3750 S.F. minimum lot sizes for single family dwellings within the R-12 and the R-18 residential zone districts and further to ask TC for guidance for their consideration along with other entity (i.e., fire district and streets department) involvement and request a future special meeting for open discussions."*

On October 6, 2015, the Planning Commission (PC) chair, Ron Maez, asked staff to include the matter on the October 13th agenda for further consideration by the Commission. Staff confirmed, that since the matter is a recommendation to Town Council, the board chair has the authority to ask staff to include the matter for PC's further discussion and consideration. However, given the short notice, staff did not prepare additional information for consideration. Staff had included the responses from utility providers, town staff and the fire district.



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The Commission had additional questions and comments about the subdivision process and potential effects on the lots and alleyways. Several comments were made about the vacation rental component. PD Dickhoff noted that the LUDC, Article 9 addresses non-conforming use and the property should conform after the activity ceasing for six-months. He also stated that staff is also being added in 2016 for code enforcement.

Commissioner Lattin had the following comments about the alley access, subdividing process and agreement for rental properties. Lattin felt that the alley access should be addressed by the developer for improvements to the whole alley and enforcement of no on-street parking. Commissioner Adams felt that that requirement was a lot to ask from a developer. Commissioner Lattin commented that no subdividing should take place until a building has been established and permits obtained. Commissioner Adams noted that it is the property owner's prerogative to subdivide and be able to sell lot and invest into another lot. Commissioner Lattin felt that an agreement should be signed for rental properties making them aware of the lodger's taxes and other components to short-term rentals.

Commissioner Adams advised that the Commission needs to perform additional research and bring in expert resources to discuss the vacation rental component. He also noted that smaller lots are more affordable, creates more housing options, and the process would bring down rental costs. PD Dickhoff noted that residential properties are for residential use not business use, definitions for zones and allowable use charts are for districts for residential uses. He recommended that rather than separating topics (subdivision and rentals), they should be discussed jointly as other communities are addressing. He also noted that impact fees include funds for road development and improvements.

Motion by Commissioner Martinez to approve a recommendation to Town Council in support of allowing 3750 S.F. minimum lot sizes for single-family dwellings within the R-12 and the R-18 residential zone districts; however, motion died for lack of second.

Motion by Commissioner Adams, seconded by Commissioner Giles, and motion carried, with Commissioner Lattin opposed, to approve a recommendation to Town Council in support of allowing 3750 S.F. minimum lot sizes for single-family dwellings within the R-12 and the R-18 residential zone districts, if the applicant can provide adequate access and infrastructure.

*Chair Maez left the meeting; Vice-Chair Martinez presided and resumed the meeting at 6:31 PM.

VII. Design Review Board: None



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VIII. Public Comment: None received.

IX. Reports and Comments:

A. Planning Commission: Commissioner Adams suggested that the Commission address the short-term rental topic and its enforcement. Adams felt that it is important to address the issue since staff has brought it up several times and legal counsel has been involved. Commissioner Martinez commented that the rules already exist; however, Adams felt that the rules need to be changed with feedback from community members. He also suggested that a task force be formed to address the smaller lots and short-term rentals. Planning Director Dickhoff will forward the Commissioners' motion and recommendations to the Town Council.

B. Planning Department Report –Planning Department Director Dickhoff reviewed and provided the following written Department Report:

Walmart: As previously reported, on July 30, 2015 (after the final determination from the BOA, supporting the Town Planning Directors determination) Wal-Mart submitted a "Notice of Appeal" to Town Council, appealing the Planning Directors determination of the parking lot lights not complying with the town code. Town Council will hear this matter on or before October 29, 2015, at an appeals hearing, thus, this is a quasi-judicial matter and should not be discussed outside of such hearing. Staff is hopeful a resolution will be in place before the appeals hearing, omitting the need for such hearing. If the hearing is held, it is expected to last 2-3 hours, and may dictate a special scheduled meeting day and time.

Piedra Street Re-Construction Project: The project is substantially complete and is open to the public. Staff is working with the engineer and contractor in regards to the curb cut for the northern access to the unimproved Ninth Street ROW.

Safe Routes to School Grant: Safe routes to school have issued a notification of the availability of infrastructure grants for 2016, with a grant deadline of January 8, 2016. Projects can request up to \$300,000 in grant funding, however, there is only \$2,000,000 available state wide for infrastructure grants. Staff will work with the local Safe Routes coalition and look at potential projects that would be eligible for this funding and bring them to Town Council for consideration. A 20% match is required. Eligible projects include sidewalks, bike paths and crosswalks that can be legitimately considered as providing a safe route for K-8 grade students to and from schools.

Springs Pedestrian Bridge Replacement: Planning staff is working on drafting a GOCO grant application for the replacement of the twenty-year old Springs Pedestrian Bridge. It was anticipated that the bridge life was 25-30 years. A resolution for support of applying for the grant and committing to the required matching funding will come to Town Council on October 22 for consideration. The grant application deadline is on November 6, 2015.



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Water Works Facility State Historic Fund Grant Application: Staff has submitted a grant application with the State Historical Funds for the restoration of the Water Works building located at 96 First Street. Award notifications are expected in April. The estimated project cost is \$183,153.00 and the requested grant funding is \$137,365.00 with a town cash match of \$45,788.25.

Majestic Drive: Staff was successful in being awarded an additional \$75,000 in CMAQ funds for the Majestic Drive paving project. Though we will not be able to utilize all of the \$75,000 for the Majestic Drive project, the remaining balance will be requested to be rolled into our future CMAQ paving project grant awards.

Geothermal Greenhouse Project: The Geothermal Greenhouse partnership project site work has begun. Site work completion is expected by the end of October, depending on weather. The GGP will then solicit funding for the actual greenhouse domes, and expect to have one installed next year.

C. Upcoming Scheduled Town Meetings: A meeting schedule was provided to the Commissioners that included meetings, through December 9, 2015, for the Planning Commission, Historic Preservation, Town Council and Parks and Recreation.

X. Adjournment - Upon motion duly made, the meeting adjourned at 6:55 PM.



Ron Maez
Planning Commission Chair